

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-cv-14301-MAYNARD

JENNIFER CAPPELLO,

Plaintiff,

v.

**ACTING COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

ORDER GRANTING UNOPPOSED MOTION TO REMAND

THIS CAUSE is before me upon Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Remand to Defendant. DE 18. Having reviewed the record and being duly advised, the Motion is **GRANTED**.

This action was initiated under the Social Security Act to obtain judicial review of Defendant's final decision denying Plaintiff's claim for disability insurance benefits. Defendant has filed an unopposed motion to reverse and remand this case under sentence four of 42 U.S.C. § 405(g).

See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Under sentence four of section 405(g), the "court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). Pursuant to this power of the Court under section 405(g) and having considered Defendant's unopposed request to remand this action for further specific development of the record, I hereby reverse the Commissioner's decision and remand this case to the Commissioner for further proceedings.

Accordingly, Defendant's Unopposed Motion, DE 18, is **GRANTED** as follows:

1. Defendant's administrative decision is **REVERSED** and this case is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings.
2. All pending motions are **DENIED AS MOOT**.
3. I will enter a separate final judgment consistent with this Order pursuant to Federal Rule of Civil Procedure Rule 58.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 6th day of May, 2024.



SHANIEK MILLS MAYNARD
U.S. MAGISTRATE JUDGE